

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
February 24, 2023
Boise, Idaho

President Laird Stone called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 9:35 p.m. at the Law Center, in Boise, Idaho. In attendance at the meeting were Commissioners Gary Cooper, Kristin Bjorkman, and Jillian Caires, Bar Counsel Joe Pirtle, Deputy Bar Counsel Julia Crossland, Associate Director Maureen Braley, Communications Director Lindsey Welfley, and Executive Director Diane Minnich, who acted as secretary.

EXECUTIVE SESSION

Consistent with the authority granted in Idaho Code §3-408, and under the supervisory power of the Idaho Supreme Court and acting as an agency thereof for purposes of Idaho Code §74-202(4)(a), it was moved, seconded, and passed that the Board move into a confidential session to discuss matters involving admissions and professional discipline as provided under Idaho Bar Commission Rules 223 and 521. It was also moved, seconded and passed, after an aye vote was recorded from each Commissioner, to move into Executive Session pursuant to Idaho Code §74-101819206(1)(d) and (f), to: (1) review personal records of attorneys for licensing purposes; (2) consider information obtained as part of an inquiry into an individual's fitness to practice law; and (3) discuss with legal counsel pending and/or potential litigation.

GENERAL BUSINESS

Minutes – It was moved, seconded, and passed to approve the minutes of the January 13, 2023, Board of Commissioners meeting as submitted.

University of Idaho College of Law Visit – President Stone reported he contacted the Dean about the rural initiatives plan and bar participation. The Executive Director agreed to follow up with the Dean on the progress of the Heritage Program plan. It was suggested to include past Commissioners from rural areas on the committee. It was also reported that the First District Bar Association is proposing an amendment to its bylaws adding a rural representative to the DBA officers.

Strategic Planning Update – The Strategic Plan was included in the Board materials. The Commissioners agreed to include the document for every meeting. The Commissioners discussed Board responsibilities and recommended adding language limiting legislative involvement and including the strategic goals and objectives.

Resolution 21-01 – The Commissioners were provided with the Supreme Court order denying the adoption of proposed changes to IRPC 8.4(g).

ABA Delegates Report – The Commissioners were joined by ABA Board of Governors member Judge Mike Oths and ABA Delegates Jenn Jensen, Anne Henderson, and Jonathan Shirts. The group discussed actions taken and discussed at the ABA midyear meeting of the ABA House of Delegates.

NextGen Bar Exam Task Force Proposal – Associate Director Braley provided a memo proposing a task force be established to address the adoption of the NextGen Bar Exam. It was moved, seconded, and passed to establish the task force, with its charge to monitor developments and study the NextGen Bar Exam to determine what amendments must be made to the I.B.C.R. and the Bar Examination Grading Standards to implement the NextGen Bar Exam in Idaho. The Commissioners agreed to appoint the following lawyers and judges to the taskforce; Carole Wesenberg, Lane Erickson, Justice Robyn Brody, Casey Simmons, Christopher Eagle-Newman, Rebecca Fitz, and Judge Gene Petty.

Judicial Council Update – The Commissioners were updated on the following legislation: HB 170, which would limit donations from state entities to non-state entities, HB 74 regarding universal licensure, and the status of bills related to proposed changes to the Idaho Judicial Council.

Idaho Code Commission – The Commissioners considered the applicants for the position on the Idaho Code Commission; George DeFord, Jill Holinka, and Paul Rippel. It was moved, seconded, and passed to appoint Jill Holinka to the Idaho Code Commission.

Licensing/Bar exam – The Commissioners were provided with an update on the February bar exam and 2023 attorney licensing.

Transfer to Active Status – The Commissioners were provided with a request from Justin Findlay to transfer from inactive to active status. Mr. Findley was admitted to the Idaho State Bar as an active member in 2015 and transferred to inactive status in 2017. The Commissioners reviewed Mr. Findlay’s request and accompanying information. It was moved, seconded, and passed to require Justin Findlay to meet the requirements of IBCR 306, with the addition of in person attendance at the New Attorney Program, and an additional five CLE credits of NAC approved courses, attended in person.

2023 BOC Meeting Schedule – The Commissioners were provided with the 2023 schedule of meetings and events. The Commissioners agreed that a spring meeting with the Idaho Supreme Court should be scheduled.

FINANCIAL REPORTS

Financial Reports – The Executive Director reported financial reports were not ready for this meeting, they will be provided for the next meeting.

Staff Update – The Executive Director reported that Controller Carmen Willis resigned because her husband has been transferred to Tennessee. She noted the search for a new Controller is underway and that former Controller Debbie Dudley has agreed to assist with the transition to a new Controller.

MEMBER SERVICES

Desk Book Directory – The Commissioners were provided with a memo from Communications Director Lindsey Welfley outlining a plan for transitioning the Desk Book Directory to encourage online access to information and a less frequently published Rule Book. She noted most of the

Desk Book content is online and much of it becomes outdated throughout the year. Her recommendation is to eliminate the current format, and publish a Rule Book, which would include the Idaho Rules of Professional Conduct, the Idaho Bar Commission Rules, the Idaho Judicial Code of Conduct, Idaho Judicial Council Rules, and the Standards for Civility in Professional Conduct as needed. She provided the financial projections and potential cost saving to eliminating the current yearly printed version of the Desk Book. It was moved, seconded, and passed to approve the Desk Book Directory plan as proposed.

Section Carryover Balance – The Commissioners were provided with a request from the Animal Law Section to carryover their fund balance in excess of the policy limits to support a spring 2023 CLE program. It was moved, seconded, and passed to approve the Animal Law Section’s request to carryover its fund balance in excess of the amount allowed by the Section Funding Policy.

Letters and news clippings for the past month were provided in PDF format to the Commissioners.

The meeting adjourned at 2:45 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director